

**REMARKS/ARGUMENTS**

The final office action of August 25, 2005, has been carefully reviewed and these remarks are responsive thereto. The Applicant's undersigned representative is new counsel of record pursuant to the new Power of Attorney filed on November 22, 2005. Claims 1-3 and 15 have been amended to further clarify the scope of the claims. Claims 1-7, 9, 10-16, and 19-22 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

***Claims 1-3, 6-7, 11-15, and 19-22***

Claims 1-3, 6-7, 11-15, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Marconcini et al.* (U.S. Pat. No. 6,834,110, hereinafter *Marconcini*) in view of *Dimenstein* (U.S. Pat. No. 6,917,923, hereinafter *Dimenstein*). Applicants respectfully traverse the rejection. Applicants note that claim 22 does not appear to be explicitly rejected. However, the Action alleges the rejection of claim 1 is "exemplary" of claim 22. (Action, page 2).

Applicants' claim 1 has been amended to further clarify the scope of protection of the claim. No new matter has been added with the amendment. In rejecting Applicants' claim 1, the Action alleges that *Marconcini* teaches many of the features of the claim, but admits that *Marconcini* fails to teach, "wherein said data is rendered by said server." (Action, page 5). To cure the deficiencies of *Marconcini*, the Action relies on *Dimenstein*.

Applicants submit that the combination of *Marconcini* and *Dimenstein*, even if proper, fails to teach or suggest each and every feature of Applicants' claim 1. Specifically, the Action states that "[h]owever *Dimenstein* discloses 'the maintainer of websites' which is equivalent to 'a server' submit their website to 'an industry committee' which is equivalent to 'rights management engine'. After going through authentication steps, the file is downloaded in unencrypted format and then encoded." (Action, page 5). Under the *Dimenstein* system, an IP address of a web site is checked against a database of web sites approved by an industry committee. Under the *Dimenstein* system, the industry committee approves web sites associated with data, not user rights. Applicants' claim 1 recites, "a rights management engine in communication with said server for applying and

enforcing user rights associated with said data.” Under the *Dimenstein* system, a web site that a user may access is approved for providing content. User rights are never applied or enforced.

Still further, even assuming, without admitting, that the combination of *Marconcini* and *Dimenstein* teaches each and every feature of Applicants’ claim 1, Applicants maintain that there is no motivation or suggestion to combine *Dimenstein* with *Marconcini*. *Marconcini* describes a method for securely providing data to a user’s system over a broadcast infrastructure. (*Marconcini*, Abstract). In *Marconcini*, a Secure Container (SC), with content and an encryption key, is sent directly from a Secure Container Packet Tool 151 within a Clearinghouse to an End-User Device 109. (*Marconcini*, Figs. 1A-1D and col. 13, l. 47 – col. 14, l. 51). *Dimenstein*, on the other hand, describes a method for ensuring that a digital storage device will only be able to download or play files that were obtained from sources deemed, either by the manufacturer of the device or by an overseeing organization, to be acceptable. (*Dimenstein*, Abstract). The architecture of *Dimenstein* provides a framework for approval of web sites configured to provide content to users. (*Dimenstein*, Abstract, Summary, Detailed Description, and Claims). *Dimenstein* does not teach or suggest that its web site approval system should be configured to take into account user rights associated with requested data. In addition, *Marconcini* does not suggest that it’s Secure Containers with content and encryption keys should be transmitted through a server including a trusted lock. One of ordinary skill in the art at the time of the present invention would not have thought to combine such systems.

As motivation to combine *Marconcini* with *Dimenstein*, the Action states, “if would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dimenstein’s ideas of submit[ting] their websites to an industry committee. After authorization, the file is downloaded and then encoded with Marconcini’s system in order to protect copyright, see (Dimenstein: Column 1, line 64).” (Action, pages 3-4). Again, this is not a motivation to combine references. The Clearinghouse of the *Marconcini* system clears only authorized and appropriate usage requests and will not clear bogus requests from unknown or unauthorized parties. (Col. 10, ll. 27-30). Alternatively, the “industry committee” of *Dimenstein* approves web sites that a user may access. (Col. 3, ll. 24-26). *Marconcini* processes requests for access to content based upon some attribute of an end device (i.e., whether authorized). Under

*Marconcini*, an intermediary server is irrelevant. *Dimenstein*, on the other hand, processes requests for access to content based upon an attribute of web site. Under *Dimenstein*, an end user is irrelevant. As such, Applicants respectfully submit that that there is no motivation or suggestion to combine *Marconcini* with *Dimenstein*.

As the combination of *Marconcini* and *Dimenstein* fails to teach or suggest each and every feature and is an improper combination based upon a lack of motivation, Applicants respectfully request withdrawal of the present rejection.

Applicants' claims 2-3 and 21-22, which depend from claim 1, are allowable over the combination of *Marconcini* and *Dimenstein* for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein.

Applicants' independent claims 6, 13, and 19 include many of the same or similar features as recited above with respect to claim 1. For similar reason as provided above, Applicants' claims 6, 13, and 19 are patentably distinct over the art of record and withdrawal of the rejection is respectfully requested. Claims 7, 11-12, 14-15, and 20, which depend from claims 6, 13, and 19, are allowable for all the reasons given above concerning their respective base claims, and further in view of the novel features recited therein.

#### ***Claims 4-5, 9, and 16***

Claims 4-5, 9, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Marconcini* in view of *Dimenstein* and further in view of *Laursen et al.* (U.S. Pat. No. 6,065,120, hereinafter *Laursen*). Applicants respectfully traverse the rejection.

As stated above, the combination of *Marconcini* and *Dimenstein* is improper and fails to teach or suggest each and every feature of Applicants' claims 1, 6, and 13. The addition of *Laursen*, even if proper, fails to cure these deficiencies. Therefore, claims 4-5, 9, and 16, which depend from claims 1, 6, and 13, are allowable for at least the same reasons given above concerning their respective base claims, and further in view of the novel features recited therein.

Appln. No.: 09/893,589  
Amendment dated November 29, 2005  
Reply to Office Action of August 25, 2005

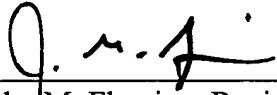
**CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3155.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

Dated this 29 day of November, 2005

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